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MEMORANDUM FOR: THE EXECUTIVE

SUBJECT: Wartime Status and Responsibilities of the Central Intelligence Agency and its Field Agencies, [REDACTED] (Proposed Revision of NSCID 5) 25X1A1d

1. Reference is made to your memorandum, dated 28 July 1950, concerning the above subject. Set out below are the comments of OSO together with a proposed draft of a revised NSCID 5, the adoption of which it is recommended be proposed to the NSC by CIA. Basically, the proposed revision of NSCID 5 prepared by the Joint Chiefs of Staff is unacceptable for the following reasons:

- a. It is in derogation of the statutory authorities and responsibilities of the Director of Central Intelligence.
- b. It places an undue degree of control over the activities of CIA by the JCS and, in effect, during periods of war or emergency could well be construed or implemented in such a way as to destroy the independence of CIA.
- c. It makes no provision for the long-term intelligence responsibilities of CIA which may not be directly related to a wartime situation, and it does not take into account this Agency's responsibilities to agencies of the Federal Government other than the military establishment.
- d. As drafted, the proposed NSCID is too general, makes insufficient specific provision for either the measure or the mechanism of control to be exercised by the JCS and/or the Theater Commanders, and therefore could lead only to constant conflicts of jurisdiction and controversies concerning its interpretation.

2. While it is noted that the proposed NSCID 5 makes no substantive change in paragraphs 1 and 2 of the present NSCID 5, attention is directed to the fact that the present NSCID fails to delineate with sufficient clarity the line of demarcation between organized counterespionage and activities necessary for the security of any military command or installation. This lack of clarity has frequently been a stumbling block to OSO efforts to establish its jurisdiction in occupied areas. Outlined below is a proposed revision of NSCID 5 to replace that prepared by the Joint Chiefs of Staff:

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